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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,143	01/31/2002	Lonnie W. Adelman	10012205 -1	3546

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
DANG, KHANH	

ART UNIT	PAPER NUMBER
2111	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/066,143	ADELMAN, LONNIE W.	
	Examiner	Art Unit	
	Khanh Dang	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 28-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 28-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda.

As broadly drafted, these claims do not define any structure/step that differs from Maeda.

With regard to claim 26, Maeda discloses a method of operating electronic appliances, comprising: monitoring a status of a power supply of an electronic appliance (100, for example) coupled to a data transfer network (it is clear that the IEEE 1394 device of Maeda must be in full compliance with the 1394 specification. According to the IEEE 1394 specification, when increase/decrease of the number of nodes due to connection/disconnection or power ON/OFF status of network devices, i.e., network construction changes and it is necessary to recognize a new network construction, the respective nodes detect the change of network construction, send a bus-reset signal

onto the bus, and enter a mode for recognizing the new network construction. The detection of change of network construction is made by detecting change of bias voltage at the connector port), and wherein said power supply is not transferred over said data transfer network (it is clear that the power supply is not transferred over the data transfer network. In any event, it is clear that each device has its own power supply); and transmitting a signal on the data transfer network when said status changes (according to IEEE 1394 specification, anytime a node is added or removed from the system by connection/disconnection or power up/on or off/down, a bus reset signal is transmitted over the data transfer network.

With regard to claim 28, it is clear that the 1394 system of Maeda must be in full compliance with IEEE 1394 specification. Thus, in Maeda, the electrical device (100) controls a physical layer and the reset signal causes the physical layer and the network (IEEE 1394 network shown generally at Fig. 1) to be reset. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claim 29, according to the IEEE1394 specification, a reset signal must be transmitted to each and every node of the network.

Claims 1-26, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al.

As broadly drafted, these claims do not define any structure/step that differs from Ishikawa.

With regard to claims 1, 8, 13, 21, 25, Ishikawa discloses system for use with an electronic appliance configurable for use with an IEEE 1394 serial bus, comprising: an IEEE 1394 compliant electrical device (117, for example); and, a circuit (included in PC 102/402) electronically coupled with said electrical device (100) and configured to cause a reset signal to be generated when the electronic appliance experiences a power supply failure (Ishikawa discloses that "[o]n the basis of the supplied current and the power information relating to each device, the power controller 17 detects any abnormality such as a short-circuit failure in each device and, if any abnormality occurs, interrupts the AC power by means of the power switch 13. By way of example, when the difference between the value of supplied current and the sum total of the current values (which sum total is referred to as "current drain" below) of the each of the devices exceeds the limit value of the power supply line in this system (i.e., when a failure occurs), then a decision is rendered to the effect that a short-circuit failure has occurred in a device and the AC power is interrupted." According to the IEEE 1394 specification, anytime a node is added or removed from the system by power up/on or off/down, it triggers a bus reset event. As a matter of fact, Ishikawa further discloses that "when increase/decrease of the number of nodes due to connection/disconnection or power ON/OFF status of network devices, i.e., network construction changes and it is necessary to recognize a new network construction, the respective nodes detect the change of network construction, send a bus-reset signal onto the bus, and enter a mode

for recognizing the new network construction. The detection of change of network construction is made by detecting change of bias voltage at the connector port."); wherein said electrical device (117, for example) and said circuit (power controller) are configured to be coupled with the IEEE 1394 serial bus (also IEEE 1394 bus in Ishikawa) and the electronic appliance (117, for example).

With regard to claim 2, it is clear that the electrical device of Ishikawa, as in any digital device, comprises an integrated circuit.

With regard to claim 3, 16, 22-24, it is clear that the 1394 system of Ishikawa must be in full compliance with IEEE 1394 specification. Thus, in Ishikawa, the electrical device (117, for example) controls a physical layer and the reset signal causes the physical layer and the network (IEEE 1394 network) to be reset. In fact, Ishikawa discloses that "[w]hen the bus-reset signal is sent from one node, the physical layer 811 of the respective nodes receives the bus-reset signal, and at the same time, notifies the link layer 812 of the occurrence of bus reset, and forwards the bus-reset signal to the other nodes. When all the nodes have received the bus-reset signal, a bus-reset sequence is started." See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

onith regard to claim 5, it is clear that the 1394 system of Ishikawa must be in full compliance with IEEE 1394 specification. Thus, in Ishikawa, the electrical device controls a link layer. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 6, 12, 19, it is clear that the 1394 system of Ishikawa must be in full compliance with IEEE 1394 specification. Thus, in Ishikawa, the self-ID command includes a status of the link layer. In fact, in Ishikawa, "after the bus reset, the respective nodes start to obtain a node ID so as to construct a new network construction. A general sequence from the bus reset to node-ID determination will be described with reference to the flowcharts of FIGS. 21 to 23." See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 7, 11, 14, 15, it is clear that the circuit of Ishikawa, as in any digital circuit, comprises an integrated circuit.

With regard to claim 9, it is clear that the power controller comprises digital circuit or "logic circuit."

With regard to claim 10, it is clear that the circuit of Ishikawa comprises at least an interface circuit.

With regard to claim 20, it is clear that the 1394 system of Ishikawa must be in full compliance with IEEE 1394 specification. Thus, in Ishikawa, the physical layer receives power from a supply source through the 1394 bus. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 26, 28-32, it is clear that one using the apparatus of Ishikawa would have performed the same steps set forth in claims 26, 28-32. See discussion regarding to the apparatus claims set forth above.

Claims 26, 28, 29, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et al.

As broadly drafted, these claims do not define any structure/step that differs from Sekine et al.

At the outset, note that claims 26, 28, 29, and 30-32 are not treated in order.

With regard to claim 30, Sekine discloses a method of operating electronic appliances, comprising: coupling at least one appliance (electronics unit 16, for example) to a data transfer network (IEEE 1394); receiving power for the appliance from a primary power supply (a local power supply) which is separate and distinct from the data transfer network; detecting a failure of the primary power supply (using power failure detect circuit 26, for example) and, responsive to said detecting, switching a physical laver (it is clear that the 1394 system of Sekine must be in full compliance with IEEE 1394 specification. Thus, in Ishikawa, power is provided via the physical layer. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10) of the appliance to a secondary power-supply (back-up power in Sekine et al.) received from the network. See at least the abstract of Sekine et al.

With regard to claim 31, according to the IEEE 1394 specification, anytime a node is added or removed from the system by power up/on or off/down, it triggers a bus reset event. Further, it is clear that the 1394 system of Sekine must be in full compliance with IEEE 1394 specification. Thus, in Sekine, the self-ID command

includes a status of the link layer. See Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claim 32, according to the IEEE 1394 specification, anytime a node is added or removed from the system by power up/on or off/down, it triggers a bus reset event. Further, since the 1394 system of Sekine must be in full compliance with IEEE 1394 specification, the electrical device (electronics node 16, for example) controls a physical layer and the reset signal causes the physical layer and the network (IEEE 1394 network) to be reset.

With regard to claims 26, 28, and 29, see above discussion. Note that the step of monitoring a status of a local power supply is performed by at least the power failure detect circuit 26. Further, according to the IEEE 1394 specification, anytime a node is added or removed from the system by power up/on or off/down, a bus reset signal is transmitted over the data transfer network. Further, since the 1394 system of Sekine must be in full compliance with IEEE 1394 specification, the electrical device (electronics node 16, for example) controls a physical layer and the reset signal causes the physical layer and the network (IEEE 1394 network) to be reset.

Response to Arguments

Applicants' arguments filed 6/23/2005 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997)*. In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.,* 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

The Maeda 102 Rejection:

Applicants argue that "Maeda in no way contemplates monitoring a status of a power supply of an electronic appliance coupled to a data transfer network and wherein said power supply is not transferred over said data transfer network. To the contrary Maeda describes total reliance upon a continuous power supply to a device for its system for establishing 'a pseudo state of disconnection of the device' from the network to function." Contrary to Applicants' argument, it is clear that the IEEE 1394 device of Maeda must be in full compliance with the 1394 specification. According to the IEEE 1394 specification, when increase/decrease of the number of nodes due to connection/disconnection or power ON/OFF status of network devices, i.e., network construction changes and it is necessary to recognize a new network construction, the respective nodes detect the change of network construction, send a bus-reset signal onto the bus, and enter a mode for recognizing the new network construction. **The detection of change of network construction due to connection/disconnection or power ON/OFF is made by detecting change of bias voltage at the connector port.** Further, IEEE 1394 specification also supports hot swapping. Hot swapping is the connection and disconnection of computer peripherals or other components while a system is turned on, without interrupting system operation. 1394 enables hot swapping. Note also that a **power failure of a device is the loss of the electricity supply to the device. It is clear that the loss of power supply can be caused by unplugging**

(either intentionally or unintentionally) the power supply to the device or simply either disconnecting the device from the 1394 network or turn off the device.

The Ishikawa et al. 102 Rejection:

With regard to claim 1 (with dependent claims 3-6 stand or fall together), Applicants argue that "[t]he Office contends that the described bus-reset signal upon 'power on/off status of network devices' describes the limitation of a 'reset signal to be generated when the electronic appliance experiences a power supply failure'. Applicant respectfully disagrees with the Office that a 'power on/off status' is the same as as 'electronic device experience[ing] a power supply failure. For purposes of clarification, consider the following example. A power on/off status changes when a user turns a device on or off such as through a device power button. In such an instance, power is still available to the functional components of the device, such as the processor. So for instance, utilizing the available power from the power supply, the processor, or other component, can send a powering off message to other system components indicating that the device is going from an active state to an inactive state. The remaining system devices can then take appropriate action , such as causing a reset to establish a new system configuration. Such a scenario relies upon maintaining a power supply to the processor of the device which is powering off. In contrast, if the power supply of a device experiences a power supply failure, such as if the plug is accidentally kicked-out of the socket, no power supply is available for the device's processor to send a status to the other network components." Contrary to Applicants' argument, **power failure of a**

device is the loss of the electricity supply to the device. It is clear that the loss of power supply can be caused by unplugging (either intentionally or unintentionally) the power supply to the device or simply either disconnecting the device from the 1394 network or turn off the device. Turning off the power supply to a device is NOT necessarily performed by software. Turning off a device can simply be accomplished by just unplugging the device from a power source, or physically disconnecting the device from the 1394 network. It is also important to note that The detection of change of network construction due to connection/disconnection or power ON/OFF is made by detecting change of bias voltage at the connector port.

With regard to claims 2 and 7, Applicants argue that the electrical device of Ishikawa does not comprise an integrated circuit. As disclose in Applicants' originally filed specification, the "electrical device" is a computer, a digital camera, or a printer, connected to a 1394 bus. The electrical device of Ishikawa is also a computer, a digital camera, or a printer, connected to a 1394 bus. Thus, it is clear that the electrical device of Ishikawa does comprise an integrated circuit.

With regard to claims 8 (with dependent claims 9-12 stand or fall together), see discussion above.

With regard to claim 13 (with dependent claims 14-20 stand or fall together), see discussion regarding to claim 1 above. Note also that it is clear that the power supply to a device can be physically unplugged (either intentionally or unintentionally) while the

device itself is still connected to the IEEE 1394 bus, since the 1394 device such as computer or printer or digital audio/video device is self powered, not bus powered.

With regard to claim 21 (with dependent claims 22-24 stand or fall together), see discussion above.

With regard to claims 25 and 26, see discussion above.

The Sekine 102 Rejection:

Applicants argue that "Applicant respectfully notes that throughout prosecution of the present specification, the Office maintained that the claimed subject matter is already addressed by the IEEE 1394 specification. Yet, the Office now cites Sekine as a reference against the claimed subject matter even though Sekine recognizes, describes, and claims a solution to the same problem described by the Applicant. The USPTO has issued a patent in Sekine which describe a solution to a problem that the Office continues to insist does not exist." Portions of Sekine are also cited by Applicant for support.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997)*. In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.,* 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read

into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

As clearly stated in every single Office Action, the claims, **as broadly drafted**, are readable on the prior art disclosing the use of 1394 devices and 1394 bus configuration, which is based on and in full compliance with the IEEE 1394 specification. It is important to note that the claims have never been rejected solely on the 1394 specification as alleged by Applicants. Response to other arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

With regard to claim 26 (with dependent claims 28-29 stand or fall together), Applicants argue that "in contrast to Sekine, which relies on a back-up power source to maintain some degree of data transfer through the affected device, the present application takes an action which produces a system reset and resultant self-IDs to be generated by all functioning system devices." In response to Applicants' argument, limitations regarding "system reset and resultant self-IDs" cannot be found in claim 26. In any event, according to the IEEE 1394 specification, anytime a node is added or removed from the system by power up/on or off/down, a bus reset signal is transmitted over the data transfer network. Further, since the 1394 system of Sekine must be in full compliance with IEEE 1394 specification, the electrical device (electronics node 16, for example) controls a physical layer and the reset signal causes the physical layer and the network (IEEE 1394 network) to be reset.

With regard to claim 30 (with dependent claims 31 and 32 stand or fall together), Applicants argue that "Sekine does not describe 'responsive to said detecting, switching

a physical layer of the appliance to a secondary power supply received from the network." Contrary to Applicants' argument, Sekine discloses a method of operating electronic appliances, comprising: coupling at least an electronics unit 16, for example, to a data transfer network (IEEE 1394); receiving power for the unit from a primary power supply (a local power supply) which is separate and distinct from the data transfer network; detecting a failure of the primary power supply using power failure detect circuit 26, for example and, responsive to said detecting, switching a physical laver (it is clear that the 1394 system of Sekine must be in full compliance with IEEE 1394 specification. Thus, in Ishikawa, power is provided via the physical layer. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10) of the appliance to a secondary power-supply (back-up power in Sekine et al.) received from the network. See at least the abstract of Sekine et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 571-272-3626.

Khanh Dang
Primary Examiner